

JUDGE PATTERSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8771

X

DAHLGREN & COMPANY, INC.,

Plaintiff,

-against-

07 CIV

M/V "EILBEK", her engines, boilers, etc.,

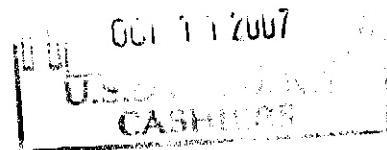
**VERIFIED COMPLAINT**

-and-

LIBERTY CONTAINER LINE, INC.,

Defendant.

X



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, DAHLGREN & COMPANY, INC., is a legal entity organized under the law, with an office located at 1220 Sunflower Street, P.O. Box 609, Crookston, Minnesota 56716. Defendant, LIBERTY CONTAINER LINE, INC., is a legal entity organized under the law, with an office located at 600 Inwood Avenue N., Suite 160, Oakdale, Minnesota 55128.
3. During all times herein mentioned, defendant was the owner and/or operator of the M/V "EILBEK" and operated it in the common carriage of goods by water for hire between Crookston, Minnesota/Montreal and Antwerp.
4. The M/V "EILBEK", is now or during the pendency of this action will be, within this District.

5. On or about February 4, 2007, plaintiff delivered a shipment of 20 bags of bakery sunflower kernels to defendant, as a common carrier at the port of Crookston, Minnesota/Montreal in good condition, for transportation on board the M/V "EILBEK" to Antwerp, in consideration of an agreed freight and pursuant to the valid terms and conditions of clean on-board bills of lading issued by defendant and the M/V "EILBEK".
6. Defendant caused said goods, still in good order and condition to be laden on-board the M/V "EILBEK". On or about February 22, 2007, the M/V "EILBEK" arrived at the port of Antwerp and delivered said shipment in a short, slack and damaged condition.
7. Prior to February 22, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said judgment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$25,000.00, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

**WHEREFORE**, plaintiff prays:

1. That the M/V "EILBEK" be arrested;
2. That process issue against defendant LIBERTY CONTAINER LINE, INC. and that defendant be cited to appear and answer the allegations of the Complaint;
3. That an interlocutory judgment be entered in favor of the plaintiff against the M/V "EILBEK", against defendant directing that the plaintiff recover its damages and

4. that the M/V "EILBEK", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
5. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
6. That final judgment against defendant and the M/V "EILBEK", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
7. That plaintiff have such other and further relief as may be just.

Dated: New York, New York  
October 9, 2007

McDERMOTT & RADZIK, LLP  
Attorneys for Plaintiff  
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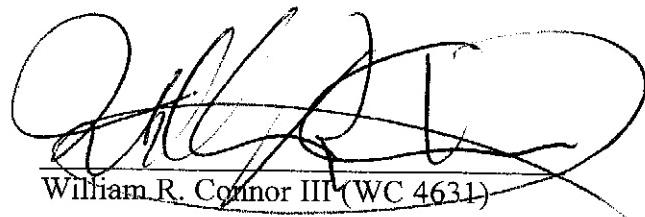
STATE OF NEW YORK )  
: S.S.  
COUNTY OF NEW YORK )

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiff in this action.

I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this  
9th day of October, 2007



Lori J. Quinn  
Notary Public

LORI J. QUINN  
Notary Public, State of New York  
No. 01QU5062709  
Qualified in Nassau County  
Commission Expires July 1, 2010